

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GERALDINE MAHOOD, ALEXANDRA
BURWOOD, SUSAN BREWSTER,
MELISSA CUEVAS, MARYANNE
DERACLEO, ELVERA HONORE, KAREN
KELLY, MOJO NICHOLS, REBECCA
RICHARDS, and JENNIFER SELLERS,

Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

NOOM, INC.

Defendant.

Case No. 20 Civ. 3677 (LGS) (KHP)

**DECLARATION OF JOHN RICCARDI IN SUPPORT OF DEFENDANT NOOM, INC.’S
MOTION TO DISMISS PURSUANT TO RULES 12(B)(1) AND 12(B)(6)**

I, John Riccardi, declare as follows:

1. I am a data scientist at Noom, Inc. (“Noom”) and submit this Declaration in support of Noom’s motion to dismiss Plaintiffs’ First Amended Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.
2. I have personal knowledge of the matters stated in this declaration and, if called as a witness, could and would testify competently to them.
3. As part of my job as a data scientist at Noom, I am required to sort and interpret the various types of data that Noom maintains in the ordinary course of its business.

4. One source of data that Noom maintains is customer transaction data, such as the date and amount a customer was charged and the date and amount a customer was refunded.

5. Relatedly, Noom also maintains customer service tickets that show customers' communications with Noom. I am generally familiar with the process of locating and reviewing these tickets.

6. In connection with this litigation, I identified and reviewed Plaintiff Geraldine Mahood's Noom transaction history and customer service tickets to determine whether the information contained therein aligned with the allegations set forth in the First Amended Complaint.

7. Ms. Mahood's transaction history demonstrates that she was charged a \$99 subscription fee payment for her first ongoing Noom subscription on Friday, August 23, 2019. Ms. Mahood requested a refund of that payment on Sunday, August 25, 2019. Noom issued Ms. Mahood's refund on Sunday, August 25, 2019, the same day she requested it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 24, 2020.

John Riccardi

John Riccardi